

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 22-43 are pending for further examination.

Without acquiescing to the propriety of the rejections in the Office Action, Applicant has cancelled the previously pending claims and presented a new set of claims that more clearly and patentably distinguish over the prior art of record. The comments that follow are made in reference to the difference between the specifically claimed and precisely defined management information and operating parameters, and that which is disclosed in the prior art of record.

Applicant once again respectfully submits that the prior art or record does not teach or suggest the management of operating parameters as defined in the specification and as specifically claimed. In particular, as previously explained, the management information as defined in the specification corresponds to information concerning the use of, and access to, the devices. In this regard, the specification explains what the management information can be. For instance, the management information may comprise “the place where the device is, the name of the manager or of the owner of this place, the kinds of musical selections stored, and so on.” This type of information concerns the use and access of the devices, but not internal functions of the operating system of the devices.

In contrast and as previously explained, the operating parameters as defined in the specification correspond to internal functions of the devices. A set of such operating parameters correspond to a configuration of the device. Examples of such operating parameters are given in the specification and include, for instance, “the cost of each selection, the sound settings (sound level, but also bass and treble), the level of the microphone, the authorization of the use of a remote controller, the authorization of switching from a selection to another during the

reproduction of a selection, the authorization of using free credits, the activation or inactivation of internal functions of the device, and so on.”

The Office Action indicates that because Martin (U.S. Patent No. 5,355,302) teaches the specifically claimed and defined operating parameters in its description of the jukebox’s identification of available storage space in a storage unit based on the song size field of the new song after the replacement of song record. The Office Action specifically refers to col. 5, line 65 to col. 6, line 60, and the related indication as to “whether to replace/update specific song; available storage and available size. . . .” However, the types of information contemplated in this section are different from the claimed operating parameters in that they correspond to management information and relate to the musical libraries. In Martin, only the musical selection can be modified. The management information -- such as “whether to replace/update specific song; available storage and available size” -- is not modified directly in Martin. Instead, the modification of the library results in the modification of this information. In particular, adding/suppressing a musical selection will result in a change of the available storage space directly, since it has to be based on the real storage space available on the device. Moreover, the operating parameters and the list of songs stored on the audiovisual information reproduction device are detailed as two different kinds of data, as indicated, for example, on page 15, lines 27-36 of the instant specification. Consequently, contrary to that which is asserted in the Office Action, the available storage space is not one of the operating parameters. The specifically claimed operating parameters simply are not taught or suggested in the prior art referenced in the Office Action.

Martin and Gordon (U.S. Patent No. 5,920,700) only suggest a modification of the musical libraries. See col. 5, line 24 to col. 6, line 14 and col. 8, lines 18-60 of Gordon.

However, there is no teaching or suggestion in Martin or Gordon regarding modifying operating parameters of the devices. In particular, the paragraphs cited in the Office Action refer only to management information and to the contents of musical libraries.

Martin and Gordon are further combined with Korn (U.S. Patent No. 4,776,581). Korn concerns an information retrieval system comprising servo-arms moving along a track to retrieve disks from storage racks. As, mentioned in abstract, the device comprises a control device to control the operation of the arm, the movement of the storage rack, the operation of the reader and the user stations. The control device includes an interface for connecting a service console which can change operating parameters stored in control device or which can download accounting information. However, the amendable operating parameters concerns the central controller of the system -- not a remote reproduction device as called for in the claims, or even of the remote terminal 30 in Korn.

Although the amendment of an operating parameter by the service console 40 is briefly mentioned on col. 23, lines 10-43 of Korn, the process of these modifications is not detailed. Korn merely states that "the service control may cause the central controller to provide information. . . , the service person may modify them using the service console, and the service console may be used to command that video disk menu be reloaded from of the disks." There is no teaching or suggestion of a specific way to modify data in the central controller, much less the any teaching or suggestion to control the modification of an operating parameter by a remote server according to the three specific steps recited in claim 22.

Still further, Korn does not provide information concerning a file of modification commands and the generation step of this file. The modifications mentioned in Korn are performed from a service console 40, to a central controller 160, which is an element of the

electronic subsystem of the retrieval system 10. Consequently, the disclosed control is not realized from a central position to a remote device as called for in claim 22.

The introduction of a fourth reference, namely Abecassis (U.S. Patent No. 6,192,340), does not make up for these numerous deficiencies. Abecassis concerns an apparatus comprising communicating and playing means receiving from the information provider, informational items that are responsive to the user's information preferences. The paragraph cited to in the Office Action concerns the establishment of a user's music preferences. But these music preferences do not refer to the operating parameters of claim 22. Further, the management of these user preferences is operated by the downloading from the memory of a first Multimedia Player to the volatile memory of a second Multimedia Player as explained in Abecassis at col. 13, lines 23-42. This technique does not involve the generation of a file of modification commands by a server as specifically called for in claim 22, much less the sending, reception, and execution of this file by the appropriate device. This management technique of Abecassis therefore is completely different from the successive steps for modifying operating parameters specifically called for in claim 22.

Accordingly, the prior art of record, alone and in combination, fails to render obvious the invention of claim 22, at least because the prior art of record, alone and in combination, fails to teach or suggestion obtaining the modification of the operating parameters by: "generating a file of modification commands by the server using information from the database; sending, via the server to the devices concerned, the file of modification commands when the devices are connected, and receiving and executing the file of modification commands by the devices concerned." Reconsideration and withdrawal of all outstanding rejections thus are respectfully requested.

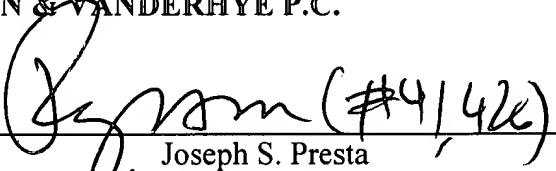
NATHAN et al
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In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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